

REMARKS/ARGUMENTS

Claims 1-16 and 18-34, now stand in the application, claims 1-16 and 18-32 having been amended, claim 17 having been canceled, and new claims 33 and 34 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to a number of the claims for lacking antecedent basis and has rejected claims 1-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have amended the claims in order to correct the deficiencies pointed out by the Examiner. In particular, amongst other amendments, Applicants have added new claims 33 and 34 which mirror the original claims but were added to eliminate the alternative expression "content items or data defining access to content items" which was objected to by the Examiner. Accordingly, the claims as amended are believed to overcome the objections to the claims and the Examiner's § 112, second paragraph, rejection of the claims.

The Examiner has also rejected claims 16 and 17 under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. As noted above, Applicants have amended claim 16 in order to correct the deficiency pointed out by the Examiner and have canceled claim 17. Accordingly, the above-described claim amendments are believed to overcome the Examiner's § 101 rejection of the claims.

The Examiner has rejected claims 1, 2, 4-19, and 21-32 under 35 U.S.C. § 102(a) as being anticipated by Gupta. Applicants respectfully traverse the Examiner's § 102(a) rejections of the claims.

It is respectfully submitted that Gupta does not teach or suggest key features of Applicants' invention which are now more clearly recited in the present claims. In particular, independent claims 1 and 18 have been amended to more clearly recite "providing a sub-set of the stored content items to said particular user, members of the sub-set being determined in dependence on the respective content access data of said particular user." This means that a restricted set of stored contact items is provided to a particular user based on that particular user's content access data. Thus, for example, a particular user with access data indicative of a poor rating will be presented with a more restricted sub-set of content than someone with a better rating. Users with better rating will be presented with a larger sub-set of content and so there is an incentive to improve one's own rating, for example by providing more content.

Gupta is concerned with generating a rating (a reputation score), for a user, but makes no mention of restricting the number of content items provided to a user based on that user's score, for example, when said user searches for content in a peer-to-peer system. The user's score is simply made available to others who can then make a manual decision as to whether to download content from them (see Gupta at page 144, left column, lines 2-5, right column, lines 14-17, page 145, right column, lines 49-50). In short, a user's reputation score does not determine their own access entitlement in Gupta. Rather, it is used in the context of that user being a potential provider of information and allows others to see their reputation in this context. Thus, Gupta fails to

teach or suggest the above-described feature of Applicants' inventions. Moreover, Gupta also fails to teach or suggest the limitation described in the final paragraph of independent claims 1 and 18. As noted above, Gupta simply generates a reputation score for individual peers or users.

For all of these reasons, the present claims (including newly added claims 33 and 34) are believed to patentably define over Gupta. Accordingly, it is respectfully submitted that the Examiner's § 102 rejection of the claims based on Gupta should be withdrawn.

The Examiner has also rejected claims 3 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gupta in view of Nye et al. ("Nye"). Applicants respectfully traverse the Examiner's § 103 rejections of these claims.

It should be clear that Nye does not solve the deficiencies noted above with respect to Gupta. Indeed, the Examiner has only cited Nye for disclosing a peer-to-peer network including geographical locations. Accordingly, claims 3 and 20 are believed to patentably define over the cited references taken either singly or in combination for the same reasons given above with respect to independent claims 1 and 18 and their respective dependent claims.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-16 and 18-34, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is

FARR et al.
Appl. No. 10/591,349
April 28, 2008

respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

Chris Comuntzis
Reg. No. 31,097

CC:lmr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100